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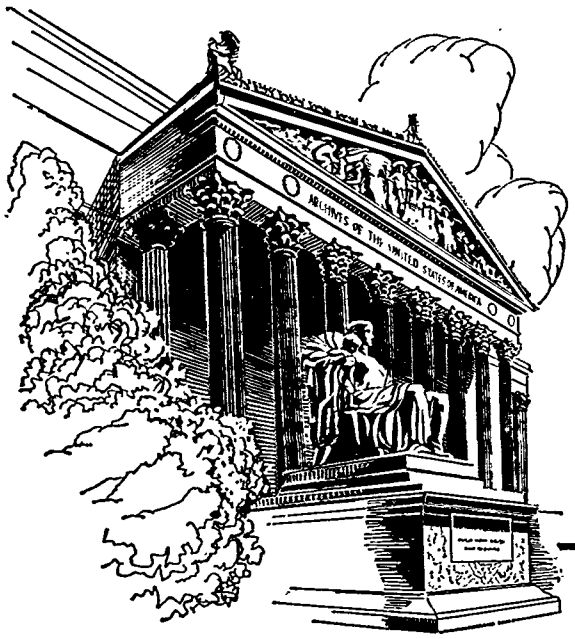

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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Title 3—THE PRESIDENT

Proclamation 3735

NATIONAL HIGHWAY WEEK, 1966

By the President of the United States of America

A Proclamation

Americans have just cause to celebrate the progress that has been made in highway transportation in this Nation.

We have doubled the miles of paved streets and roads in the past 20 years, and our unequalled highway network, constantly being expanded and improved, makes us the most mobile country in the history of man.

Automotive vehicles traveling over those roads account for more than 90 percent of this country's personal travel. Virtually everything that moves from field and factory to the home utilizes this system in one way or another.

Planning, building, and maintaining the system requires constant and detailed cooperation between Federal, State and local governments, and private enterprise. The daily working partnership they have achieved is a remarkable example of creative Federalism.

American ingenuity and determination are constantly being applied to improve and expand this system. We are in the midst of a major effort to beautify our highways and roadsides, to provide rest and recreation facilities for highway travelers, and to make our roads and vehicles safer for those who travel them.

The continued growth of highway travel reflects the continued population growth in our country and the desire of our citizens for greater mobility. This greater mobility has increased opportunities for employment and recreation for everyone throughout the Nation.

Yet increased highway travel has also magnified many problems. Without careful planning, more and better highways between our cities only serve to increase traffic congestion within the cities themselves. We must continue to plan our highway system so that it will contribute to the rational use of urban space as well as to pleasant and convenient transportation through the countryside.

We must also strive for advances in automotive safety that will keep pace with advances in the design of our highways. Modern vehicles travel at greater speeds over longer distances than ever before; we must make certain that they are equal to the rigorous demands placed upon them by modern high-speed travel. Despite continuing improvements in highway safety design, the toll of highway accidents is steadily rising; that toll must be reversed.

It is essential that Americans understand and appreciate the importance of highway transportation to their social and economic progress, and to the defense of our Nation; that they recognize the individuals and industries that have made our highway transportation system possible; and that they support and participate in programs to improve the safety and beauty of our highways.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning September 18, 1966, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry organizations, and other organizations having a public-spirited interest in our national highways, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of August in the year of our Lord nineteen hundred and sixty-six, [SEAL] and of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-9192; Filed, Aug. 19, 1966; 1:58 p.m.]

Proclamation 3736

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1966

By the President of the United States of America

A Proclamation

Advances in medical technology have extended man's capacities, freeing him from many of the limitations caused by disability. The modern miracles wrought by medical science are permitting physically and mentally handicapped persons to devote more of their energy to pursuits which mark their humanity.

From the very beginning, man's pursuit of the means of earning a living has occupied a significant portion of his available time; his dependence on work has not been diminished by technological progress. Work continues to be indispensable to his security, well-being, and growth. This is no less true for those of our people who—although disabled—seek an outlet for expression and self-respect through suitable employment.

Our society has blossomed because it offers to all the hope of achieving the fullness of life. We cannot afford to isolate the handicapped from this high purpose, or stifle the fulfillment of their legitimate desires. If our Nation is to continue to prosper, we must utilize the abilities of every citizen without distinction. Let us not ignore, in our search for skilled and able workers, the demonstrated abilities of the handicapped, however severe their disabilities. Let us not throw up thoughtless barriers which prevent them from contributing their share to society.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of Congress approved August 11, 1945 (59 Stat. 530), designating the first full week of October of each year as National Employ the Physically Handicapped Week, do hereby call upon the people of our Nation to observe the week beginning October 2, 1966, for such purpose.

During that week I urge all public and private organizations and all citizens to make this theme—employ the handicapped—a living reality. Let us take all necessary steps to provide the handicapped with a wide range of meaningful opportunities and a life of dignity. Let us find ways to employ the skills and abilities which so many handicapped Americans possess and long to share.

I urge all the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of August in the year of our Lord nineteen hundred and sixty-six, and of [SEAL] the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-9193; Filed, Aug. 19, 1966; 1:58 p.m.]

Reorganization Plan No. 4 of 1966

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, June 13, 1966, Pursuant to the Provisions of the Reorganization Act of 1949, 63 Stat. 203, as Amended.[1]

NATIONAL ZOOLOGICAL PARK BUILDINGS AND BRIDGES

All those functions of the Board of Commissioners of the District of Columbia which were vested in the municipal architect of the District of Columbia by the provisions of the Act of August 24, 1912, c. 355, 37 Stat. 437 (20 U.S.C. 84; D.C. Code § 8–134), in respect of buildings of the National Zoological Park, and all functions of that Board which were vested in the engineer of bridges of the District of Columbia by those provisions in respect of bridges of the National Zoological Park, are hereby transferred to the Smithsonian Institution.

[F.R. Doc. 66-9167; Filed, Aug. 22, 1966; 8:48 a.m.]

[1] Effective August 23, 1966, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Requirements

Findings. (1) Pursuant to Marketing Agreement No. 141 and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

It is, therefore, ordered that subdivision (vi) of subparagraph (1) of paragraph (b) of § 906.311 *Container and pack regulations* (29 F.R. 12869) is hereby amended to read as follows:

(vi) Containers with inside dimensions of 19¾ x 13 x 12½ inches and 20 x 13¼ x 9¾ inches: *Provided,* That such containers may be used only for the shipment of fruit in bags as provided in subdivision (v) of this subparagraph; and

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., September 1, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9158; Filed, Aug. 22, 1966; 8:47 a.m.]

[Grapefruit Reg. 10]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 12, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.320 Grapefruit Regulation 10.

(a) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) Grapefruit Regulation 9 (31 F.R. 4445) is hereby terminated at 12:01 a.m., c.s.t., September 1, 1966.

(3) During the period beginning at 12:01 a.m., c.s.t., September 1, 1966, and ending at 12:01 a.m., c.s.t., November 1, 1966, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; U.S. No. 2; or U.S. No. 3: *Provided,* That not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may fail to meet the requirement of the U.S. No. 3 grade;

(ii) Any grapefruit of any variety, grow in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant

to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9160; Filed, Aug. 22, 1966; 8:48 a.m.]

[Orange Reg. 9]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 12, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of oranges at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.321 Orange Regulation 9.

(a) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) Orange Regulation 8 (31 F.R. 1000) is hereby terminated at 12:01 a.m., c.s.t., September 1, 1966.

(3) During the period beginning at 12:01 a.m., c.s.t., September 1, 1966, and ending at 12:01 a.m., c.s.t., November 1, 1966, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2 7/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2 7/16 inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9159; Filed, Aug. 22, 1966; 8:47 a.m.]

[Orange Reg. 7, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.306 (Orange Regulation 7; 29 F.R. 13602; 30 F.R. 11713; 31 F.R. 1001) are hereby amended to read as follows:

§ 944.306 Orange Regulation 7.

(a) On and after 12:01 a.m., e.s.t., September 1, 1966, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3, and are of a size not smaller than 2 7/16 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2 7/16 inches in diameter.

* * * * *

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those to be in effect beginning September 1, 1966, on domestic shipments of oranges under Orange Regulation 9 (§ 906.321); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; and (d) notice hereof in excess of 3 days, the minimum that is prescribed by section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1966, to become effective at 12:01 a.m., e.s.t., September 1, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9161; Filed, Aug. 22, 1966; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provision in § 1068.11(b) of the order no longer tends to effectuate the declared policy of the Act: "*Provided,* That any such person whose milk is received from the farm at a pool plant during any portion of the period

July through October, inclusive, but subsequently in such 4-month period is received at a nonpool plant (except as provided above in this paragraph), shall not regain status as a producer prior to the next July 1."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action terminates the provision which requires that a producer after first delivering to a pool plant in the months of July through October must continue to deliver to a pool plant during this period for any delivery to a nonpool plant results in loss of producer status until the next July 1. This action will permit the orderly movement of reserve supplies of producer milk to nonpool plants during the next few months without the fear of loss of producer status until the next July 1, if a producer should return to a pool plant during such months.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this termination (31 F.R. 10615). Cooperative associations representing over 91 percent of the producers supplying milk to the market, filed views supporting termination of the provision. None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective August 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. August 1, 1966.

Signed at Washington, D.C., on August 18, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-9157; Filed, Aug. 22, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

PURCHASE AND INSPECTION; CORRECTION

F.R. Doc. 66-8283, published at page 10241 of the issue for July 29, 1966, is corrected as follows:

1. Paragraph (d) (6) (i) of § 1446.1640, *CCC purchase of eligible peanuts and prices,* is corrected to read:

(i) Four percent damaged or unshelled kernels other than minor defects,.

2. Paragraph (e) of § 1446.1643, *Period of offering—size of lots—grading,* is corrected to read:

(e) Nothing in this subpart shall preclude the sheller or CCC from applying for an appeal inspection under the regulations governing inspection of fresh fruits, vegetables, and other products, §§ 51.1–51.67 of this title.

Signed at Washington, D.C., August 18, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-9156; Filed, Aug. 22, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-WE-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9012) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 210 and 257.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective October 13, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 6487, 6582, 8747) is amended as follows:

a. In V–210 "Tuba City, Ariz.;" is deleted and "Grand Canyon, Ariz.; Tuba City, Ariz.;" is substituted therefor.

b. In V–257 "Bryce Canyon, Utah;" is deleted and "INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; Bryce Canyon, Utah;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 17, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9145; Filed, Aug. 22, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Antibiotics Used in Veterinary Medicine and for Nonmedical Purposes; Required Data

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 507, 701(a); 52 Stat. 1052, as amended, 1055, 59 Stat. 463, as amended, 72 Stat. 1785; 21 U.S.C. 348, 355, 357, 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 3 is amended by adding the following new section:

§ 3.55 Antibiotics used in veterinary medicine and for nonmedical purposes; required data.

(a) An ad hoc committee, Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics, was formed by the Food and Drug Administration to study, and advise the Commissioner on, the uses of antibiotics in veterinary medicine and for various nonmedical purposes as such uses may affect the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to the safety and effectiveness of such substances. A copy of the report may be obtained from the Food and Drug Administration, Office of Education and Information, Washington, D.C. 20204.

(b) On the basis of the report of the Committee and other information, sponsors of drugs containing any antibiotic intended for use in food-producing animals shall submit data for determining whether or not such antibiotics and their metabolites are present as residues in edible tissues, milk, and eggs from treated animals; however, in the case of a drug for which such data have already been submitted and for which a regulation has been promulgated under section 409 of the act, only such data as has been accumulated since the issuance of the regulation need be submitted.

(c) The required data shall be submitted within 180 days of the date of publication of this section in the FEDERAL REGISTER; except that in the case of data on intramammary infusion preparations, the data shall be submitted within 60 days of such publication. Data demonstrating the absence in milk of residues of intramammary infusion preparations when used as directed in their labeling are needed within the 60-day period because of the importance of milk in the human diet.

(d) Regulatory proceedings including revocation of prior sanctions, or actions

to suspend or amend new drug or antibiotic approvals granted prior to passage of the Food Additives Amendment of 1958 (72 Stat. 1784), may be initiated with regard to the continued marketing of any antibiotic preparation on which the required information is not submitted within the period of time prescribed by paragraph (c) of this section.

(e) Questions relating to the acceptability of proposed research protocols and assay methods for determining the amount of antibiotic residues in food should be directed to the Director of The Bureau of Veterinary Medicine, Food and Drug Administration, Washington, D.C. 20204.

(Secs. 409, 505, 507, 701(a), 52 Stat. 1052, as amended, 1055, 59 Stat. 463, as amended, 72 Stat. 1785; 21 U.S.C. 348, 355, 357, 371(a))

Dated: August 18, 1966.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 66-9140; Filed, Aug. 22, 1966; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6892]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Blocked Earnings and Profits

On February 13, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2031) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform to section 964(b) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), relating to treatment of blocked earnings and profits of controlled foreign corporations. After consideration of relevant matter presented by interested persons in writing and at a public hearing held April 8, 1965, the regulations are amended as follows:

PARAGRAPH 1. Section 1.964–2 is added immediately after § 1.964–1 and reads as follows:

§ 1.964–2 Treatment of blocked earnings and profits.

(a) *General rule.* If, in accordance with paragraph (d) of this section, it is established to the satisfaction of the district director that any amount of the earnings and profits of a controlled foreign corporation for the taxable year (determined under § 1.964–1) was subject to a currency or other restriction or limitation imposed under the laws of any foreign country (within the meaning of paragraph (b) of this section) on its distribution to United States shareholders who own (within the meaning of section 958(a)) stock of such corporation, such amount shall not be included in earnings and profits for purposes of sections 952, 955, and 956 for such taxable year. For rules governing the treatment of amounts with respect to which such restriction or limitation is removed, see paragraph (c) of this section.

(b) *Rules of application.* For purposes of paragraph (a) of this section—

(1) *Period of restriction or limitation.* An amount of earnings and profits of a controlled foreign corporation for any taxable year shall not be included in earnings and profits for purposes of sections 952, 955, and 956 only if such amount of earnings and profits is subject to a currency or other restriction or limitation (within the meaning of subparagraph (2) of this paragraph) throughout the 150-day period beginning 90 days before the close of the taxable year and ending 60 days after the close of such taxable year.

(2) *Restriction or limitation defined.* Whether earnings and profits of a controlled foreign corporation are subject to a currency or other restriction or limitation imposed under the laws of a foreign country must be determined on the basis of all the facts and circumstances in each case. Generally, such a restriction or limitation must prevent—

(i) The ready conversion (directly or indirectly) of such currency into United States dollars or into property of a type normally owned by such corporation in the operation of its business or other money which is readily convertible into United States dollars; or

(ii) The distribution of dividends by such corporation to its United States shareholders.

For purposes of this subparagraph, if a United States shareholder owns (within the meaning of section 958(a)), or is considered as owning by applying the rules of ownership of section 958(b), 80 percent or more of the total combined voting power of all classes of stock of a foreign corporation in a chain of ownership described in section 958(a), the distribution of dividends by such corporation to such shareholder will not be considered prevented solely by reason of the existence of a currency or other restriction or limitation at an intermediate tier in such chain if dividends may be distributed directly to such shareholders.

(3) *Foreign laws.* A currency or other restriction or limitation on the distribution of earnings and profits may be imposed in a foreign country by express statutory provisions, executive orders or decrees, rules or regulations of a governmental agency, court decisions, the actions of appropriate officials who are acting within the scope of their authority, or by any similar official action. A currency restriction will not be considered to exist unless export restrictions are also imposed which prevent the exportation of property of a type normally owned by the controlled foreign corporation in the operation of its business which could be readily converted into United States dollars.

(4) *Voluntary restriction or limitation.* A currency or other restriction or limitation arising from the voluntary act of the controlled foreign corporation or its United States shareholders during a taxable year beginning after December 31, 1962, will not be taken into account. For example, if a controlled foreign corporation—

(i) Issues a stock dividend which has the effect of capitalizing earnings and profits;

(ii) Elects to restrict its earnings and profits or to make certain investments as a means of avoiding current tax or securing a reduced rate of tax; or

(iii) Allocates earnings and profits to an optional or arbitrary reserve;

such restriction is voluntary and will not be taken into account.

(5) *Treatment of earnings and profits in cases of certain mandatory reserves—*
(i) *In general.* If a controlled foreign corporation is required under the laws of a foreign country to establish a reserve out of earnings and profits for the taxable year, such earnings and profits shall be considered subject to a restriction or limitation by reason of such requirement only to the extent that the amount required to be included in such reserve at the close of the taxable year exceeds the accumulated earnings and profits (determined in accordance with subdivision (ii) of this subparagraph) of such corporation at the close of the preceding taxable year.

(ii) *Determination of earnings and profits.* For purposes of determining the accumulated earnings and profits of a controlled foreign corporation under subdivision (i) of this subparagraph, such earnings and profits shall not include any amounts which are attributable to—

(*a*) Amounts which, for any prior taxable year, have been included in the gross income of a United States shareholder under section 951(a) and have not been distributed;

(*b*) Amounts which, for any prior taxable year, have been included in the gross income of a United States shareholder of such foreign corporation under section 551(b) and have not been distributed; or

(*c*) Amounts which become subject to a voluntary restriction or limitation (within the meaning of subparagraph (4) of this paragraph) during a taxable year beginning before January 1, 1963.

The rules of this subdivision apply only in determining the accumulated earnings and profits of a controlled foreign corporation for purposes of this subparagraph. See section 959 and the regulations thereunder for limitations on the exclusion from gross income of previously taxed earnings and profits.

(6) *Exhaustion of procedures for distributing earnings and profits.* Earnings and profits of a controlled foreign corporation for a taxable year will not be considered subject to a currency or other restriction or limitation on their distribution unless the United States shareholders of such corporation demonstate either that the available procedures for distributing such earnings and profits have been exhausted or that the

use of such procedures will be futile. As a general rule, such procedures will be considered to have been exhausted if the foreign corporation applies for dollars (or foreign currency readily convertible into dollars) at the appropriate rate of exchange and complies with the applicable laws and regulations governing the acquisition and transfer of such currency including submission of the necessary documentation to the exchange authority. The fact that available procedures for distributing earnings and profits were exhausted without success with respect to a prior year is not, of itself, sufficient evidence that such procedures would not be successful with respect to the current taxable year.

(c) *Removal of restriction or limitation*—(1) *In general.* If, during any taxable year, a currency or other restriction or limitation (within the meaning of paragraph (b) of this section) imposed under the laws of a foreign country on the distribution of earnings and profits of a controlled foreign corporation to its United States shareholders is removed—

(i) *Treatment of deferred income.* Each United States shareholder of such corporation on the last day in such year that such corporation is a controlled foreign corporation shall include in his gross income for such taxable year the amounts attributable to such earnings and profits which would have been includible in his gross income under section 951(a) for prior taxable years but for the existence of the currency or other restriction or limitation except that the amounts included under this subdivision (i) shall not exceed his pro rata share of—

(*a*) The earnings and profits upon which the restriction was removed determined on the basis of his stock ownership on the last day of the immediately preceding taxable year, and

(*b*) The applicable limitations of paragraph (c) of § 1.952–1, paragraph (v) (2) of § 1.955–1, or paragraph (b) of § 1.956–1, determined as of the last day of the immediately preceding taxable year, taking into account the provisions of subdivision (ii) of this subparagraph.

(ii) *Treatment of earnings and profits.* For purposes of sections 952, 955, and 956, the earnings and profits which are no longer subject to a currency or other restriction or limitation shall be treated as included in the corporation's earnings and profits for the year in which such earnings and profits were derived.

Amounts with respect to which a currency or other restriction or limitation is removed shall be translated into United States dollars at the appropriate exchange rate for the translation period during which such currency or other restriction or limitation is removed. See paragraph (d) of § 1.964–1. Amounts with respect to which a currency or other restriction or limitation is removed shall not be taken into account in determining whether a deficiency distribution (within the meaning of § 1.963–6) is required to be made for the year in which such earnings and profits were derived.

(2) *Removal of restriction or limitation defined.* An amount of earnings and profits shall be considered no longer subject to a limitation or restriction if and to the extent that—

(i) Money or property in such foreign country is readily convertible into United States dollars, or into other money or property of a type normally owned by such corporation in the operation of its business which is readily convertible into United States dollars;

(ii) Notwithstanding the existence of any laws or regulations forbidding the exchange of money or property into United States dollars, conversion is actually made into United States dollars, or other money or property of a type normally owned by such corporation in the operation of its business which is readily convertible into United States dollars; or

(iii) A mandatory reserve requirement (described in paragraph (b) (5) of this section) is removed either by a change in law of the foreign country imposing such requirement or by an accumulation of earnings and profits not subject to such requirement.

(3) *Distribution in foreign country.* If, during any taxable year, earnings and profits previously subject to a currency or other restriction or limitation are distributed in a foreign country to one or more United States shareholders of a controlled foreign corporation directly, or indirectly through a chain of ownership described in section 958(a), such earnings and profits shall be considered no longer subject to a restriction or limitation. However, distributed amounts may be excluded from such shareholder's gross income for the taxable year of receipt if such shareholder elects a method of accounting under which the reporting of blocked foreign income is deferred until the income ceases to be blocked.

(4) *Source of distribution.* If, during any taxable year, earnings and profits previously subject to a currency or other restriction or limitation is distributed to one or more United States shareholders of a controlled foreign corporation directly, or indirectly through a chain of ownership described in section 958(a), the source of such distribution shall be determined in accordance with the rules of § 1.959–3.

(5) *Illustration.* The provisions of this paragraph may be illustrated by the following example:

Example. (a) M, a United States person, owns all of the only class of stock of A Corporation, a foreign corporation incorporated under the laws of foreign country X on January 1, 1963. Both M and A Corporations use the calendar year as a taxable year and A Corporation is a controlled foreign corporation throughout the period here involved.

(b) During 1963, A Corporation derives income of $100,000 all of which is subpart F income and has earnings and profits of $100,000. Under the laws of X Country, currency cannot be exported without a license. During the last 90 days of 1963 and the first 60 days of 1964, A Corporation can obtain a license to distribute only an amount equivalent to $10,000. M must include $10,000 in his gross income for 1963 under section 951(a) (1) (A) (i) and $90,000 of A Corporation's earnings and profits for 1963 are not taken into account for purposes of sections 952, 955, and 956.

(c) During 1964, A Corporation has no income and no earnings and profits. On June 1, 1964, A Corporation converts an amount equivalent to $20,000 into property of a type normally owned by such corporation in the operation of its business which is readily convertible into United States dollars but does not distribute such amount. Corporation A must include $20,000 in its earnings and profits for 1963 for purposes of sections 952, 955, and 956. M must include $20,000 in his gross income for 1964.

(d) During 1965, A Corporation has no income and no earnings and profits. On December 15, 1965, A Corporation distributes an amount equivalent to $15,000 to M in X Country. Neither M nor A Corporation can obtain a license to export currency from X Country. In his return for the taxable year 1965, M elects a method of accounting under which the reporting of blocked foreign income is deferred until the income ceases to be blocked. Accordingly, M does not include the $15,000 in his gross income for 1965.

(e) During 1966, A Corporation has no income and no earnings and profits. On February 1, 1966, notwithstanding the laws and regulations of X Country which forbid the exchange of X Country's currency into United States dollars, M converts an amount equivalent to $15,000 into a currency which is readily convertible into United States dollars. Since the income has ceased to be blocked, M must include $15,000 in his gross income for 1966.

(d) *Manner of claiming existence of restriction or limitation on distribution of earnings and profits.* A United States shareholder claiming that an amount of the earnings and profits of a controlled foreign corporation for the taxable year was subject to a currency or other restriction or limitation imposed under the laws of a foreign country on its distribution shall file a statement with his return for the taxable year with or within which the taxable year of the foreign corporation ends which shall include—

(1) The name and address of the foreign corporation,

(2) A description of the classes of stock of the foreign corporation and a statement of the number of shares of each class owned (within the meaning of section 958(a)) or considered as owned (by applying the rules of ownership of section 958(b)) by the United States shareholder,

(3) A description of the currency or other restriction or limitation on the distribution of earnings and profits,

(4) The total earnings and profits of the foreign corporation for the taxable year (before any amount is excluded from earnings and profits under this section) and the United States shareholder's pro rata share of such total earnings and profits,

(5) The United States shareholder's pro rata share of the amount of earnings and profits subject to a restriction or limitation on distribution,

(6) The amounts which would be includible in the United States shareholder's gross income under section 951 (a) but for the existence of the currency or other restriction or limitation,

(7) A description of the available procedures for distributing earnings and profits and a statement setting forth the

steps taken to exhaust such procedures or a statement setting forth the reasons that the use of such procedures would be futile, and

(8) The amount of distributions made in a foreign country and a statement as to whether a method of accounting has been elected under which the reporting of blocked income is deferred until such income ceases to be blocked, including an identification of the taxable year and place of filing of such election.

In addition, such United States shareholder shall furnish to the district director such other information as he may require to verify the status of a currency or other restriction or limitation.

PAR. 2. Paragraph (b) of § 1.861–8 is amended to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States.

* * * * *

(b) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642(b) shall not be taken into account for purposes of paragraph (a) of this section but shall be allowed as deductions from the taxable income computed thereunder, if and to the extent that such deductions are allowable for purposes of computing the taxable income of the taxpayer. See sections 642(b), 873(d), 904(c), and 931(e), and the regulations thereunder.

PAR. 3. Paragraph (c)(2)(iii) of § 1.952–1 is amended to read as follows:

§ 1.952–1 Subpart F income defined.

* * * * *

(c) *Limitation on a controlled foreign corporation's subpart F income.* * * *

(2) *Special rules.* * * *

(iii) *Determination of pro rata share.* A United States shareholder's pro rata share of a controlled foreign corporation's earnings and profits, or deficit in earnings and profits, for any taxable year shall be determined in accordance with the principles of paragraph (e) of § 1.951–1 and paragraph (d)(2)(ii) of § 1.963–2.

PAR. 4. Paragraph (d)(3) of § 1.970–1 is amended by revising the citation "paragraph (d) of § 1.964–1" in the last sentence thereof to read "paragraph (c) of § 1.964–1".

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: August 16, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–9049; Filed, Aug. 22, 1966; 8:45 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1508—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Decision and Order of Director

On February 22, 1966, notice of proposed rule making regarding an amendment to Part 1508 of Title 29 of the Code of Federal Regulations was published in the FEDERAL REGISTER (31 F.R. 3027). After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following change: In paragraph (b) of § 1508.16, the words "would be inequitable" are deleted and the words "is no longer required to assure satisfactory compliance with the regulations under the order" substituted therefor.

Because this amendment relates only to procedure, delay in its effective date is not required (5 U.S.C. 1003(c)), and I do not believe such delay would serve a useful purpose. Accordingly, this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(72 Stat. 835; 33 U.S.C. 941)

Signed at Washington, D.C., this 17th day of August 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

§ 1508.16 Decision and order of the Director.

(a) Upon the basis of and after due consideration of the whole record, the Director shall render his decision, which shall adopt, modify, or set aside the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of the reasons or bases for the action taken. With respect to the findings of fact, the Director shall upset only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties.

(b) When a final order of the Director issued pursuant to § 1508.13(c) of this part or paragraph (a) of this section has been in force for 2 years or more, a party may file with the Director a petition for modification or vacation of the order. Such petition must be in writing, and must be based upon satisfactory compliance with the order during the 24 months immediately preceding the filing thereof and upon such changes in conditions and circumstances as to demonstrate, if established, that a continuation of the order in full force and effect is no longer required to assure satisfactory compliance with the regulations under the order. Such changes in conditions and circumstances as are relied upon must be expressly set forth together with the reasons why petitioner believes relief is justified and the precise nature of the relief sought. The petition may be supported by affidavits as to matters of fact.

(c) If, after such investigation as the Director deems appropriate, in his judgment sufficient cause has been shown to justify the relief requested, he will enter an order granting relief. If in his judgment, sufficient cause has not been shown he shall so notify petitioner, who may then in writing request a hearing. Upon receipt of such request the Director will refer the petition with its supporting documents and the request to the Chief Hearing Examiner who will assign the matter for a hearing to be held on not less than 10 days notice at a time and place to be set by the hearing examiner. The Deputy Solicitor of Labor may file a pleading and otherwise appear in opposition to the petition. The hearing will be subject to all of the provisions of §§ 1508.9 through 1508.22 of this part.

[F.R. Doc. 66–9134; Filed, Aug. 22, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 34—PERMIT IMPRINTS

PART 47—FORWARDING MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 13.8, paragraph (a) (1) and (2) is revised to show additional examples of proper overseas military addresses. Present paragraph (a)(3) is redesignated paragraph (a)(4) and a new paragraph (a)(4) is added in lieu thereof to require mail for dependents residing with military personnel in overseas areas to include the name of the sponsor. In addition, a new paragraph (b)(3) is added to show that mail for dependents who reside in the United States should be addressed in care of the sponsor. As so revised and added, paragraphs (a) (1), (2), (3), (4), and (b)(3) read as follows:

§ 13.8 Military mail.

(a) *Overseas military mail.*—(1) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, APO number and the post office through which the mail is to be routed. Examples:

Pvt. Willard J. Doe, RA 32000000,
Company F,
167th Infantry Regt.,
APO New York 09801.

A1C Howard J. Doe, AF 16000000,
50 Fld Maint Sq,
CMR Box 861,
APO New York 09109.

A/1c Harold F. Doe, AF 15000000,
2d Bomb Squadron,
APO New York 09125.

(2) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, service number, shore based organizational unit with Navy number, or mobile unit designation, or name of ship, and the fleet post office through which the mail is to be routed. Examples:

John M. Doe, QMSN 686 54 70 USN,
USS Lyman K. Swenson (DD 729),
FPO San Francisco 96601.

Maj. John M. Doe, O23492 USMCR,
Staff, Fleet Marine Force Pacific,
FPO San Francisco 96602.

James T. Doe, AQF-2, 329 76 83 USN,
U.S. Naval Air Facility,
FPO New York 09521.

Lt. Leroy A. Doe, O63941, USMC,
U.S. Marine Corps Air Facility,
FPO San Francisco 96672.

(3) *Dependents residing with military personnel.* Mail addressed to dependents residing in overseas areas will be addressed in care of the sponsor. Example:

Miss May J. Doe,
c/o Sgt. Howard A. Doe, RA 16000000,
Company A, 1st Bn. 16th Inf.,
APO New York 09036.

(4) *Abbreviated addresses.* Those mailers addressing mail by data processing equipment may shorten the address further by abbreviating the name of the gateway post office, as for example:

APO NY 09403.
APO SF 96503.
APO SEA 98749.

(b) *Military mail within the United States.* * * *

(3) *Dependents residing with military personnel.* Mail addressed to dependents residing with military personnel at military installations should be addressed in care of the sponsor. Examples:

Master Robert Brown,
c/o Sgt. Michael Brown, RA 16000000,
Company A, 6th Bn. 10th Inf.,
Fort Gordon, Ga. 30905.

Mrs. Sallie Brady,
c/o Capt. John P. Doe, O34257 USMC,
2d Marine Air Wing,
MCAS,
Cherry Point, N.C. 28533.

* * * * *

NOTE: The corresponding Postal Manual sections are 123.811, 123.812, 123.813, 123.814, and 123.823 respectively.

II. In § 34.5, paragraph (c) is revised to clarify instructions on preparation of permit imprints for mailing. As so revised, it now reads:

§ 34.5 Mailings with permit imprints.

* * * * *

(c) *Preparation for mailing.* The mailer must arrange all pieces with the address side facing the same way. It is recommended that the mailer separate the pieces to the finest extent possible in the manner prescribed by §§ 16.3(b) and 24.4(c) of this chapter. Each class of mail must be separately presented with a separate Mailing Statement, Form 3602. Fourth-class mailings on which postage is paid at different zone rates must be separated according to the postage paid on each piece.

* * * * *

NOTE: The corresponding Postal Manual section is 144.53.

III. Section 47.4 is amended by adding reference to new instructions in § 13.8 (a) and (b) of this chapter concerning mail for dependents residing with military personnel. As so amended, § 47.4 now reads:

§ 47.4 Address changes of persons in U.S. service.

All first-, second-, and fourth-class mail and third-class mail of obvious value addressed to persons in the United States service (civil and military) serving at any place where the U.S. mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, obvious value third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office "Change of Address Due to Official Orders." This provision for free forwarding from one post office to another applies to mail for the members of the household whose change of address is caused by official orders to persons in the U.S. service. (See § 13.8 (a) and (b) of this chapter concerning residing with military personnel.)

EXCEPTION: Second-class mail will not be forwarded from the United States to overseas APO addresses by military authorities. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas" and returned to the post office for disposition. See § 48.2(b) of this chapter. See § 47.2 of this chapter regarding time limit of orders filed with the post office.

NOTE: The corresponding Postal Manual section is 157.4.

As the foregoing revisions in §§ 13.8, 34.5, and 47.4 relate to a proprietary function of the Government, and do not affect substantive rights, advance notice, and public rule making procedures, as well as a delayed effective date are unnecessary, and would be contrary to the public interest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 18, 1966.

[F.R. Doc. 66-9149; Filed, Aug. 22, 1966; 8:47 a.m.]

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Conditions Prescribed by Defense Department

I. In § 17.2 *Conditions prescribed by the Defense Department applicable to mail to certain military post offices overseas,* make the following changes:

A. In paragraph (a) *Military post offices,* make the following changes:

1. Insert in proper numerical order the following post office numbers and their accompanying data:

Military post office number	*See footnotes*
09155	A–B
09505	O
96266	A–F
96605	O
96225	A–F
96227	A–F
96238	A–F
96240	A–F
96243	A–F
96250	A–F
96258	A–F
96260	A–F
96289	A–F
96291	A–F
96294	A–F
96295	A–F
96296	A–F
96297	A–F
96307	A–F
96308	A–F
96309	A–F
96312	A–F
96314	A–F
96316	A–F
96317	A–F
96318	A–F
96320	A–F
96321	A–F
96322	A–F
96325	A–F
96326	A–F
96327	A–F
96337	A–F
96345	A–F
96347	A–F
96353	A–F
96355	A–F
96357	A–F
96359	A–F
96362	A–F
96363	A–F
96402	A–F
96490	A–F
96491	A–F
96499	A–F

3. A new footnote O following the tabular material is added to read:

O. Personal mail addressed to vessels using this number is limited to unregistered airmail, unregistered first-class mail, and certified mail. Other classes of mail may not be accepted.

NOTE: The corresponding Postal Manual Section is 127.21.

B. In paragraph (b) *Military post offices by former APO and NPO numbers,* the data opposite the following military post office numbers is revised to read as follows:

Military post office number	*See footnotes*	*Military post office number*	*See footnotes*
19	B–C–I[1]	271	A–B–F–I
120	B*–C	293	B–C–I[1]
125	B*–C	378	B*–C
127	B*–C	405	B*–C
168	B–C–I[1,2]	607	B*–C
179	B*–C	616	B–F–I
181	B–C–E	659	B*–C
193	B*–C	667	B*
194	B*–C	671	I
199	B*–C–J	672	B–F–I
202	B*–C–J	674	B–D–F–I
210	B*–C	678	B–I
218	B*–C	689	B–C–I
221	B–C–I	694	B–I
238	B*–C	697	B–F–I
240	B–C–I[1]	755	B*–C
241	B*–C	794	B–C–I

NOTE: The corresponding Post Manual section is 127.22.

As the revisions to § 17.2 (a) and (b) merely update the present restrictions on mailings to oversea military post offices and relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505, 705, 706, 712)

TIMOTHY J. MAY,
General Counsel.

AUGUST 18, 1966.

[F.R. Doc. 66-9148; Filed, Aug. 22, 1966; 8:46 a.m.]

PART 52—INSURANCE

Miscellaneous Amendments

I. In Part 52, make the following changes:

A. In § 52.1, paragraph (b) is amended to specify the classes and types of mail to which postal insurance is applicable. In addition, a new paragraph (c) is added to clarify the types of items that are not acceptable for insurance and to include a cross reference to packaging standards as prescribed in Part 111 of this chapter.

§ 52.1 Description.

* * * * *

(b) *Classes of mail to which applicable.* (1) Third- and fourth-class mail.

(2) Airmail which contains third- or fourth-class matter (may contain incidental first-class enclosures). Sealed envelopes should be endorsed "Contains Third-Class Mail" or "Contains Fourth-Class Mail."

(3) Official Government mail bearing "Postage and Fees Paid" endorsement.

(4) Articles mailed under §§ 28.3 and 28.4 of this chapter.

The mail must bear the complete names and addresses of sender and addressee.

(c) *Not acceptable for insurance.* (1) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mail, payment will not be made for loss, rifling, or damage.

(2) Nonmailable matter.

(3) Articles that are so fragile as to prevent their safe carriage in the mail regardless of packaging.

(4) Articles not adequately prepared to withstand normal handling in the mail. See Part 111 of this chapter for packaging standards.

NOTE: The corresponding Postal Manual sections are 162.12 and 162.13.

B. Section 52.3 is amended and revised to include current instructions covering issuance of insurance receipts and use of endorsements. Also, the answering of telephone requests is permitted on claims for losses if the mailer can give full particulars from his receipt. Also, instructions are added to require that any alterations in firm mailing bills must be initiated by the mailer and the accepting employee. In addition, instructions are added to limit the use of private insurance endorsements on mail matter. As so amended and revised, § 52.3 now reads:

§ 52.3 Mailing.

(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

(b) *Where to mail.* Mailers must mail parcels that they insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mail boxes. They must not be left on, but may be placed in, rural mail boxes.

(c) *Inquiry as to contents and preparation.* The postal employee at the window is required to ask whether the package presented for insurance contains fragile, perishable, or flammable matter. If the package does not contain such matter and to all outward appearances is adequately prepared, no further inquiry as to contents will be made. If the package contains such matter, detailed inquiry will be made to determine whether contents are admissible in the mail and are adequately packed.

(d) *Individual receipts for mailing.* Mailers are issued a receipt for each insured parcel mailed on one of the following forms:

(1) Form 3813, "Receipt For Domestic Insured Parcel", when the package is insured for $15 or less. A duplicate copy is not made.

(2) Form 3813–P, "Receipt For Insured Parcel", when the package is insured for more than $15. A duplicate copy is not made. The post office keeps no record of the mailing of insured packages. Mailers must enter the name and address of the addressee on the receipt and retain it. Mailers must exhibit the receipt if claim for loss is made. The receipt should be shown if an inquiry is filed. A telephone request for inquiry is acceptable if the mailer can furnish particulars of mailing from his receipt.

(e) *Firm mailing books.* Mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. Any alterations must be initiated by the mailer and accepting employee. The sheets of these books become the senders' receipts. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels to be insured for $15 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare one copy only.

(2) For parcels to be insured for more than $15, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond.

(3) The parcels must be conspicuously endorsed with the stamped or printed official insurance endorsement.

(f) *Special firm mailing bills or multiple forms.* Mailers may use special firm mailing bills or multiple forms which incorporate mailing receipts containing all necessary postal information. Such forms must be submitted to the postmaster for prior approval before use. For parcels to be insured for more than $15, the postmaster will assign a series of numbers. Any alterations must be initialed by the mailer and accepting employee.

(8) *Temporary receipts.* A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes and at nonpersonnel rural stations and branches.* Mailers may give the mail to the rural carriers; or they may leave the mail in rural mail boxes, provided stamps are affixed for postage and fee, or money for postage and fee is left in the box. Mailers must leave a note stating the amount of insurance desired. The carrier will issue a receipt at the time the mail is received. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for by the carrier. Patrons at nonpersonnel rural stations and branches must meet the rural carrier at the station or branch for insurance service.

(i) *Endorsements and postmarking.* (1) Each package insured for $15 or less will be stamped on the address side with the eliptical stamp. Each package insured for more than $15 will be stamped close to the address with the Insured No. stamp, unless the address label on the package bears an effective reproduction of the official stamp.

INSURED	INSURED
Elliptical Stamp	NO. ----------
	Insured No. Stamp

(2) When a clear insurance endorsement cannot be stamped directly on the package, the postal employee will attach a white blank gummed label, item 0–27–G, to the package and stamp the impression on it. Each package will be postmarked unless a postage meter stamp is used to pay charges.

(3) Private insurance endorsements or markings may not appear on the address side of mail matter but may appear elsewhere provided they do not resemble official postal endorsements and are not confused with postal endorsements.

NOTE: The corresponding Postal Manual section is 162.3.

C. Section 52.5 is revised to include current instructions covering the delivery of insured mail. As so revised, § 52.5 reads:

§ 52.5 Delivery.

(a) Delivery is made in accordance with the following provisions and those in part 44 of this chapter: Parcels insured for over $15 are delivered in accordance with the regulations for the delivery of registered mail (see § 51.9 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. The responsibility of the Postal Service ends at this time.

(1) *At letter carrier offices.* (i) Insured mail is held for the period specified in the sender's return address, but not in excess of 15 consecutive days. If no return period is specified, the mail is held for 15 days. The retention period of 15 days applies also to offices to which the mail may be forwarded.

(ii) Insured parcels will be delivered to the addressee's home, or if he receives his mail in a post office box or

through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after 5 days, a second notice will be sent. If addressee does not accept the parcel when it is offered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home again. The mailer may also request that it be delivered again.

(2) *At offices not having carrier delivery service.* The addressee is notified when an insured parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(3) *Rural delivery.* Rural carriers will deliver insured mail to the residence if it is not more than one-half mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail. For delivery by rural carriers or at personnel and nonpersonnel rural stations and branches, see Part 46 of this chapter.

(4) *On star routes affording delivery service.* Star route carriers will deliver insured parcels if required by the contract, but delivery will be made only at the patron's box or along the route.

(5) *Damaged packages.* Damaged packages will be delivered if possible. When a damaged package is refused by the addressee, the sender will be informed of the damage and of the addressee's refusal. If sender does not reply, a partially damaged package will be returned to him at the end of the retention period. Packages damaged beyond repair will be held a reasonable time awaiting instructions or a request for payment of postal insurance. If not received, the mailing postmaster will be requested to ascertain what disposition will be made of the package.

(6) *Spoiled contents.* When the contents of a package are spoiled, the postal employee will write on the receipt form the date and hour the package was received, the date and hour it was delivered to the addressee, whether the package was endorsed Perishable, and any known cause of delay or improper handling.

(7) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

NOTE: The corresponding Postal Manual section is 162.5.

D. A new § 52.6 is added to set forth instructions covering the use of receipts for packages. As so added, it reads:

§ 52.6 Receipts.

(a) *Unnumbered packages.* Unnumbered packages will be delivered as ordinary mail.

(b) *Numbered packages.* Postal employees will take receipts for the delivery of numbered packages on the following forms:

(1) Form 3849, when delivery is made by carrier, and window delivery at first- and second-class offices.

(2) Form 3850, for window deliveries made at third- and fourth-class offices.

(3) Form 3883, when addressees regularly receive an average of three or more packages at one time.

(4) Also, Form 3811, "Return Receipt", when this service is requested by the sender.

NOTE: The corresponding Postal Manual section is 162.6.

As the foregoing amendments and revisions to §§ 52.1, 52.3, 52.5, and the addition of § 52.6 relate to a proprietary function of the government, and do not affect substantive rights, advance notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

AUGUST 18, 1966.

[F.R. Doc. 66-9150; Filed, Aug. 22, 1966, 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 26—RESTRICTED OR PROHIBITED ACTS

Artificial Lights

On page 8819 of the FEDERAL REGISTER of June 24, 1966, there was published a notice of a proposed amendment to § 26.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to allow the use of spotlights for the hunting of certain species such as raccoons and opossums on areas within the National Wildlife Refuge System.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

Section 26.11 is amended to read as follows:

§ 26.11 Artificial lights.

No person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any wildlife refuge area or along rights-of-way for public or private roads within a wildlife refuge area, except under the provisions of this subchapter.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a)

JOHN S. GOTTSCHALK,
Director.

AUGUST 17, 1966.

[F.R. Doc. 66-9132; Filed, Aug. 22, 1966; 8:45 a.m.]

PART 32—HUNTING

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

On page 8694 of the FEDERAL REGISTER of June 23, 1966, there was published a notice of a proposed amendment to §§ 32.11, 32.21, 32.31, and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for sport fishing and for public hunting of migratory game birds, upland game, and big game on Erie National Wildlife Refuge, Pa., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and sport fishing, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

PENNSYLVANIA

Erie National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas: upland game.

* * * * *

PENNSYLVANIA

Erie National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

PENNSYLVANIA

Erie National Wildlife Refuge.

* * * * *

4. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas: sport fishing.

* * * * *

PENNSYLVANIA

Erie National Wildlife Refuge.

* * * * *

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

JOHN S. GOTTSCHALK,
Director.

AUGUST 17, 1966.

[F.R. Doc. 66-9133; Filed, Aug. 22, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10 a.m., on August 30, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen's Cooperative Sales Association, Marietta-Athens Milk Producers Association and Scioto County Milk Producers Association:

Proposal No. 1. Amend the supply plant definition in § 1005.11(b) to provide that the supply plant must ship the required percentage of its receipts from producers in the period of September through March rather than September through December. Provided that a supply plant must ship at least 40 percent in any qualifying month and at least 50 percent on the average during the qualifying period.

Proposal No. 2. Amend the language in § 1005.15 to provide that a "producer with respect to milk produced by him must have the approval of the appropriate health authority in the marketing area for consumption as fluid milk."

Proposed by Dairymen's Cooperative Sales Association, Marietta-Athens Milk Producers Association, Scioto County Milk Producers Association, and Huntington Interstate Milk Producers Association:

Proposal No. 3. Amend § 1005.16(b) which deals with the diversion of producer milk to provide that the milk so diverted (more than 125 miles from the nearest basing point) shall be priced at the point "to" which diverted rather than the point "from" which diverted as the order now provides.

Proposal No. 4. Provide for the application of location differential pricing in §§ 1005.53 and 1005.72 to milk supplies handled through a transfer station or reload point and received at a pool plant in the marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, Post Office Box 33, 19 Locust Street, Gallipolis, Ohio 45631, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 18, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9162; Filed, Aug. 22, 1966; 8:48 a.m.]

[7 CFR Part 1065]

[Docket No. AO 86-A18]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the proposed amendments to the tentative marketing agreement and to the order was conducted at Omaha, Nebr., on May 16, 1966, pursuant to notice thereof which was issued May 5, 1966 (31 F.R. 6873).

The material issue on the record of the hearing relates to regulation of non-Grade A fluid milk.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Non-Grade A milk should not be priced and pooled under the order.

The Nebraska-Western Iowa Non-Stock Cooperative Milk Association proposed that non-Grade A milk sold in the form of fluid milk products should be priced and pooled separately under the order. A number of regulated handlers in the market supported the proposal at the hearing.

Opposition testimony was presented by the two largest distributors of non-Grade A milk in the marketing area.

This issue was previously considered at a hearing held in 1961. On the basis of the record of that hearing it was concluded that non-Grade A milk should not become regulated until it became a more substantial competitive factor in the market. The present record fails to substantiate that sales of non-Grade A milk in the market as a whole are any more of a competitive factor at this time than they were in 1961.

Proponents claimed that sales of bottled non-Grade A milk have increased substantially in recent months. However, no data were introduced which would support this conclusion. Estimates of the total receipts at all plants which would become regulated under the proposal ranged from 15,000 pounds per day to 26,000 pounds per day. This would represent between 1 and 2 percent of the average daily receipts of Grade A milk at presently regulated pool plants.

Regulated handlers testified that sales of Grade A milk have been lost to non-Grade A bottlers. They claim this is especially true in Lincoln, Nebr. One of the larger bottlers of non-Grade A milk is located near Lincoln and most of his sales are confined to the city and the surrounding area. This bottler testified that his sales have also decreased. Apparently most of the loss of sales in the Lincoln area has resulted from the closing of a local military base and the resulting population decrease in the area. A review of the market statistics for Order No. 65 published by the market administrator, of which official notice is hereby taken, indicates that total Class I

sales of regulated handlers in the marketing area have been increasing.

Even if sales of non-Grade A bottled milk were a more significant competitive factor in the market, proponents failed to show that dairy farmers supplying such milk should receive a premium for their milk above manufacturing grade milk.

Producers of Grade A milk receive a premium over manufacturing grade milk in order to compensate them for the higher costs necessary to meet Grade A requirements. The Nebraska Grade A law provides that farms producing such milk must be inspected to determine the adequacy of the facilities where the milk is produced. Some of the major requirements are approved water supplies, adequate sewage disposal facilities, approved milk houses, and proper facilities for cooling milk. Dairy farmers shipping their milk to manufacturing plants need not meet any of these requirements. Therefore, in order to compensate producers for these added costs and thereby assure consumers of an adequate supply of pure and wholesome milk, producers must receive somewhat greater returns for Grade A milk.

The only standards which dairy farmers supplying non-Grade A bottling plants must meet pertain to herd health. These herds must be tested for tuberculosis and brucellosis. Retests must be conducted at least once every 6 years for tuberculosis and each year for brucellosis. Plants bottling such milk are periodically required to submit to the State a list of dairy farmers supplying them so that the State may verify that the required tests have been performed. The cost of obtaining these herd health tests amounts to only a few cents per hundredweight. This is the only expense required of these producers other than the normal production costs incurred by producers of manufacturing grade milk.

There is no on-farm inspection by any State or municipal health authorities. The bottlers of non-Grade A milk, however, may require certain standards. If any do fix such standards the costs of meeting them are minor in comparison with the costs of meeting Grade A standards. This is apparent from the fact that only one bottler of ungraded milk pays his producers a price higher than the going price paid by the manufacturing plants. This handler purchases milk from seven producers who have installed bulk tanks on their farms and produce an average of approximately 1,000 pounds per day, about three times the average production of the remaining ungraded producers. The premium paid to these producers approximates 40 cents per hundredweight.

Of the remaining ungraded producers, approximately 55 in number, none is paid more than the current price for manufacturing milk. Obviously there is very little extra expense incurred in the production of such milk in comparison with manufacturing grade milk or they could not be induced to sell this milk at the manufacturing price.

No minimum bacterial standards are established for raw milk that is to be bottled as non-Grade A milk. The only requirement for non-Grade A bottled milk is that after pasteurization the bacteria count may not be over 50,000 per milliliter and the coliform count cannot exceed 10 per milliliter.

There is no significant difference in health requirements for non-Grade A milk for bottling purposes and manufacturing grade milk. In addition, sales of non-Grade A bottled milk have not become a more significant competitive factor in this market. Therefore, it is concluded that regulation should continue to be confined to plants handling Grade A milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on August 18, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9163; Filed, Aug. 22, 1966; 8:48 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A17]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Minneapolis, Minn., on May 18, 1966 (31 F.R. 7129).

The material issues on the record of the hearing relate to:

1. Level of Class I price differentials;
2. Takeout and payback plan;
3. Classification and pricing of milk used to produce cottage cheese;
4. Location differentials;
5. Pool plant requirements for supply plants.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Level of Class I price differentials.* This issue was reopened at an emergency hearing held in Denver, Colo., on June 6, 1966. Official notice is taken of the final decision (31 F.R. 9127) and amended order (31 F.R. 9206) based on the record of that hearing. This action provided that the basic formula price under Order No. 68 shall not be less than $4 from July 5, 1966, through March 31, 1967. No further change should be made in the Class I pricing provisions on the basis of the record of the May hearing.

Producer representatives stated that a permanent increase of 22 cents in the Class I differential was necessary so that consumers in the Minneapolis-St. Paul marketing area would be assured of adequate supplies of fluid milk. It was further stated that an additional 20 cents should be added for the months of July through December 1966, to prevent a contraseasonal drop in the Class I price between the month of June and July 1966. The guarantee that the basic formula price will not be less than $4 per hundredweight through March 1967 will provide sufficient assurance to producers of future prices to continue production of an adequate milk supply for the market. This guarantee of prices has eliminated the projected contraseasonal change in the Class I price from June to July.

The Class I price level this spring has been sufficient to attract additional producers to the market. There were 91 more producers in March 1966 than in March 1965. A similar comparison for April shows an increase of 84 producers. Official notice is taken of the report of the market statistics issued by the market administrator for the month of June 1966 which shows that producer receipts for June 1966 were 10.5 million pounds greater than in the same month last year. On the other hand, producer milk utilized as Class I milk in June was about 600,000 pounds less than in June 1965.

Testimony was presented on this record concerning the need to reduce shipping requirements for supply plant pooling. A major cooperative association indicated that these lower requirements were necessary to permit the pooling of an additional supply plant it planned

to add to the market. That this additional supply of milk was available to the market at the then existing level of Class I prices, is indicative of there being no need for a further increase in the Class I price level. Such an increase would encourage additional dairy farmers whose milk is not needed to meet the market's fluid milk requirements to participate in the pool. This would result in diluting any increase in returns to producers which might result from the proposed higher Class I price. The issue of pool supply plant qualifications is discussed more fully elsewhere in this decision.

It is concluded that the present Class I pricing provisions will assure continued production of an adequate supply for the market. Any further corrections necessary in the supply-demand relationship in the Minneapolis-St. Paul marketing area will automatically be achieved through the supply-demand adjustor which is designed for this purpose.

2. *Takeout and payback plan.* A takeout and payback seasonal incentive payment plan for distributing returns to producers should not be included in the order at this time.

Twin City Milk Producers Association, representing over 70 percent of the producers in the market, proposed the adoption of a takeout and payback producer payment plan. Two other producer cooperatives in the market opposed the adoption of such a plan.

A base and excess plan of distributing returns for milk among producers was previously provided in the order. Based on the record of a hearing held in July 1965, this plan was deleted from the order on June 30, 1966. The base and excess plan served its intended purpose of achieving more even production throughout the year.

At the present time there is insufficient data available concerning the need for a takeout and payback plan. Since the base and excess plan was only recently removed from the order, it is impossible to determine what effect its deletion will have on the seasonality of production. Moreover, the production pattern in the market is presently in an abnormal state. Spring production in 1966 was down significantly from the same period last year.

As noted above, however, the number of producers on the market has increased significantly and production in June 1966 was substantially greater than in June 1965. The record also indicates that at least one additional supply plant will become a pool plant beginning in July 1966.

In view of these developments it is extremely difficult to accurately predict what the seasonal pattern of production may be in the immediate future. Therefore, no action should be taken with respect to the adoption of a takeout and payback plan until sufficient time has elapsed to permit a proper evaluation of the results of these factors on the seasonal production pattern.

3. *Classification and pricing of milk used to produce cottage cheese.* No change should be made in the classification or pricing of skim milk and butterfat used to produce cottage cheese. The order presently classifies all manufactured products, including cottage cheese, as Class II. The Class II price is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture adjusted to 3.5 percent butterfat content.

Farmers Cooperative Creamery Co. proposed that milk used to produce cottage cheese be priced at least 15 cents above the Class II price. Land O'Lakes Creameries, Inc., presented supporting testimony, while Twin City Milk Producers Association and Minnesota Milk Co. opposed any increase in the price of milk used to produce cottage cheese.

A similar proposal was considered at a hearing held in July 1965 and was denied in the final decision issued on January 26, 1966 (31 F.R. 1242). The facts relating to the sale of cottage cheese and procurement of milk for its production are essentially the same now as they were at the time of the prior hearing. No more basis appears for a separate classification or price for skim milk and butterfat used to produce cottage cheese than was considered at the previous hearing.

4. *Location differentials.* The location adjustment rates applicable to Class I and producer prices under the order should be modified to reflect more accurately the location values of milk delivered to various points beyond the radius of 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn.

The purpose of location adjustments is to encourage movement of milk to the market. Historically a major proportion of the milk supplied to distributing plants in the Minneapolis-St. Paul market is first received at supply plants in the milkshed where it is standardized, cooled to a uniform temperature and reloaded into large tankers for transfer. A number of these supply plants are operated in conjunction with manufacturing facilities for the disposal of supplies in excess of the fluid needs of the market. Location adjustments must be closely alined with actual hauling costs to assure that milk will move to bottling plants and at the same time prevent uneconomic movements of milk.

Farmers Cooperative Creamery Co., Land O'Lakes Creameries, Inc., and Twin City Milk Producers Association (all operators of supply plants subject to location adjustments) proposed that location adjustments be more nearly aligned with actual costs of moving milk from supply plants in the milkshed to distributing plants in the cities of Minneapolis or St. Paul.

Farmers Cooperative Creamery Co. testified that the hauling rates for milk moved from its plant in the 49–50 mile zone to city plants approximate 1½ cents per hundredweight per 10 miles, and the differentials for the nearin zones should be adjusted accordingly. Twin City Milk Producers Association introduced evidence on the hauling rates a local milk transportation company would charge to move bulk milk on a regular basis from various outlying plants to plants in Minneapolis or St. Paul. These quoted rates substantiated the proposed reduction in the location adjustments of 1½ cents per zone for the nearin zones.

The use of larger bulk tank trucks together with improved highways in the milkshed has increased the efficiency and lowered the cost of moving raw milk over the past few years.

Although these recommended rates are not the actual hauling costs at each plant subject to a location adjustment, the average deduction provided is identical with the average quoted hauling rate from most pool supply plants to Minneapolis or St. Paul. The recommended location adjustments in the following table recognize the resulting reduced costs of transporting milk and should be adopted:

Location of plant (miles)	Recommended—Amount of deduction (cents)	Present order—Amount of deduction (cents)
Less than 15	0	0
15 but less than 20	8.0	8.0
20 but less than 30	9.5	10.0
30 but less than 40	11.0	12.0
40 but less than 50	12.5	14.0
Each additional 10 miles or fraction thereof in excess of 50 miles an additional	1.0	1.0

Under the present order the location adjustments at a plant located between 15 and 20 miles from the Viaduct in St. Paul is 8 cents and is increased 2 cents per hundredweight for each additional 10 miles up to 50 miles that the plant is distant from the Viaduct. Under the recommended location adjustments, the rate for plants within these zones is increased by 1.5 cents per hundredweight rather than the present 2 cents. No testimony was presented concerning any change in the increase of 1 cent per 10-mile zone for plants located beyond the 40–50 mile zone and no change has been made.

5. *Pool plant shipping requirements for supply plants.* The percentage of receipts which a supply plant must ship to pool distributing plants to qualify as a pool plant should be reduced to 40 percent of its total receipts from farms.

The order presently requires a supply plant to ship at least 50 percent of its receipts to distributing plants to be pooled in any month. Provision is also made whereby a supply plant which has shipped 50 percent of its producer milk receipts in each month of August, September, and October automatically has pool plant status for the subsequent months of November through July if the operator of such plant so elects.

Land O'Lakes Creameries, Inc., proposed that the percentage requirements be reduced to 40 percent. Farmers Cooperative Creamery Co. supported this proposal. Twin City Milk Producers Association opposed any reduction in the pooling requirements for supply plants.

Proponent testified that on occasions last fall difficulty was experienced in obtaining supplies of producer milk to meet the requirements of the distributing plant which it supplies. At such times it was necessary for other source milk to be obtained for this purpose. Part of proponent's problem arises because the distributing plant it supplies is engaged primarily in wholesale distribution. As a result large quantities of milk are needed on Thursdays and Fridays, while no milk is required on Sundays and relatively little on other bottling days.

To prevent a recurrence of the problems experienced last fall proponent has assumed the responsibility of marketing additional supplies during 1966. With the addition of such supplies, proponent expressed the fear that one of its supply plants which has regularly supplied the market will be unable to continue to meet pooling requirements this fall. Since additional supplies were required from the association's supply plants, the association requested reduction of the shipping standards to a level which will permit the continued pooling of their supply plants which have been regularly associated with the market.

The opponents of reducing the pooling requirement for supply plants expressed concern that if the pooling standards are too low, plants which are primarily engaged in manufacturing operation might be enabled to gain pool plant status. The distribution of equalization payments to such a new plant would reduce the blend price to producers regularly supplying the market and thus dissipate the benefits of higher Class I prices. It was their position that producers who normally supply the Class I needs of the market, as a consequence, would be subsidizing the manufacturing operations of plants which were not a dependable supply of fluid milk for the market. Proponents, however, indicated there was little likelihood of this happening if pool requirements were reduced.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Specifically, the purpose of shipping requirements for supply plants is to assure that handlers engaged in bottling and distributing operations in the market will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirement, supply plants will tend to keep milk at their plants for manufacturing when it is to their advantage to do so. However, there is no indication on this record that supply plants are retaining excessive quantities of milk for manufacturing purposes.

All milk supplied by proponent cooperative to the city distributing plant is first received at a supply plant. Since this cooperative has no producer milk which is shipped directly to pool distributing plants in Minneapolis or St. Paul, it must qualify all its supply plants on the basis of shipping 50 percent of each supply plant's receipts from producers to pool distributing plants. It is, therefore, unable to avail itself of the provision which permits qualification of plants operated by cooperative associations on the basis of 30 percent of their total member milk having been received directly at pool distributing plants during August, September, and October.

Proponent acknowledged that system pooling for the five pool plants under its marketing agreement, might be an alternative solution to its projected loss of pool status for one of its supply plants. One of proponent's plants supplies a high percentage of its receipts as skim milk and cream to a distributing plant while the shipment by the other four plants of whole milk would average slightly less than the required 50 percent of total receipts. The combination of all receipts from the five supply plants at the pool distributing plant would enable the supply plants to qualify as a unit meeting the 50 percent shipping requirement. Although system pooling may be a potential solution to its problem, the present record does not afford sufficient basis to warrant its adoption at this time. Consideration should be given to system pooling of supply plants at another hearing.

To accommodate the present situation in the market, it is concluded that the pooling requirements for supply plants should be reduced from 50 to 40 percent of receipts from farms. This should permit not only the receipt of an adequate supply of milk for the ensuing fall months but also insure pool plant status for these supply plants regularly supplying the market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1068.9 paragraph (b) is revised to read as follows:

§ 1068.9 Pool plant.

* * * * *

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided,* That if during each of the months of August, September, and October 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further,* That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of August, September, and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received

first at a plant of such cooperative association.

* * * * *

2. In §§ 1068.55 and 1068.82(a) the tables are revised to read as follows:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	8.0
20 but less than 30	9.5
30 but less than 40	11.0
40 but less than 50	12.5
Each additional 10 miles or fraction thereof in excess of 50 miles an additional	1.0

Signed at Washington, D.C., on August 18, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9164; Filed, Aug. 22, 1966; 8:48 a.m.]

[7 CFR Part 1103]

[Docket No. AO-346-A3]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn Southwest, 2649 Highway 80 West, Jackson, Miss., beginning at 10 a.m., local time, on September 13, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Mississippi marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The effect of the existing Class I milk price provisions of the order terminate at the end of October 1966. It may be necessary, therefore, to issue a separate recommended decision and final decision on the Class I price issue, before consideration is completed on the remaining issues.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Cooperative Creamery Association, Gulf Milk Association, Mississippi Milk Producers Association, and Noxubee Milk Producers Association:

Proposal No. 1. Delete § 1103.11(a) and substitute the following:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month as route disposition and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average during the month of 7,000 pounds, whichever is less.

* * * * *

Proposed by Realicious Dairies, Inc.:

Proposal No. 2. Amend § 1103.11(a) to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average during the month of 1,000 pounds, whichever is less;

* * * * *

Proposed by Cooperative Creamery Association, Gulf Milk Association, Mississippi Milk Producers Association, and Noxubee Milk Producers Association:

Proposal No. 3. Delete § 1103.11(b) and substitute the following:

§ 1103.11 Pool plant.

* * * * *

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a "pool" distributing plant(s) as defined in paragraph (a) of this section, except that the volume of milk transferred to a nonpool plant(s) as Class I shall, at the option of the supply plant, be credited to the supply plant, in meeting the 50 percent requirement (of this paragraph) as though it were transferred to a pool distributing plant: *Provided, however,* That for purposes of pooling, credits of Class I shipments to nonpool plant(s) shall not exceed 50 percent of transfers to a pool plant(s): *Provided further,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

Proposal No. 4. Amend § 1103.11(c) by adding the following provision:

§ 1103.11 Pool plant.

* * * * *

(c) A nondistributing plant, which is operated by a cooperative association and which does not meet the shipping requirements of paragraph (b) of this section, in any month in which the volume of milk received at pool distributing plants directly from member producers of such cooperative association is not less than 60 percent of the total pounds of such association's member producer milk (including that received at such nondistributing plant), except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section: *Provided,* That any plant which was a pool plant in each of the months of September through January shall be a pool plant in each of the following months of February through August unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

Proposal No. 5. Amend § 1103.15(b) to read as follows:

§ 1103.15 Producer.

* * * * *

(b) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13 (c) during any of the months of December through August: *Provided,* That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status for not less than 20 days production each month during the 2 immediately preceding months: *Provided further,* That a new producer entering the market shall be handled as though he complied with this section prior to entry into the market (for the purpose of this provision a new producer means a producer who starts producing milk for the first time but does not include a dairy herd where there has been a change in ownership of a herd associated with the market; the latter shall be handled as a continuous shipper); except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the 2 immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance.

* * * * *

Proposal No. 6. Amend § 1103.15(d) to read as follows:

§ 1103.15 Producer.

* * * * *

(d) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk

of a member cooperative association for the account of such association if the amount of milk so diverted does not exceed 30 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

* * * * *

Proposal No. 7. In § 1103.41(a) add a new subparagraph as follows:

§ 1103.41 Classes of utilization.

* * * * *

(a) * * *

(3) Contained in inventory of fluid milk products on hand at the end of the month; and

* * * * *

Proposal No. 8. Amend § 1103.41(b) by revoking subparagraph (4).

§ 1103.41 Classes of utilization.

* * * * *

(b) * * *

(4) [Revoked]

Proposed by the Pet Milk Co., Dairy Division:

Proposal No. 9. Amend § 1103.44(c)(3)(iv) to read as follows:

§ 1103.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iv) Remaining quantities of skim milk and butterfat transferred to the nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act shall be assigned (after the application of provisions of any other order similar to subdivision (iii) of this subparagraph) to the skim milk and butterfat, respectively, resulting from the following computation: *Provided,* That transfers or diversions from a pool plant to an establishment or facility used only for receiving, assembling or cooling milk for shipment to a plant located within the State of Mississippi shall be classified as if such skim milk or butterfat moved directly to the plant to which the skim milk or butterfat was transferred from such facility, if the operator of such facility maintains books and records showing the utilization of all skim milk and butterfat received at the facility and such records are made available to the market administrator upon his request:

* * * * *

Proposed by Cooperative Creamery Association, Gulf Milk Association, Mississippi Milk Producers Association, and Noxubee Milk Producers Association:

Proposal No. 10. Amend the Class I milk price provisions so as to establish an appropriate level of Class I prices after October 1966.

Proposal No. 11. Amend § 1103.53(a) to read as follows:

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant or at such plant from a cooperative association as a handler pursuant to § 1103.13(d) and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	*Rate per hundredweight (cents)*
(1) For milk received at a pool plant located in the Mississippi marketing area except that part in Harrison County	15.0
(2) For milk received at a pool plant located outside the marketing area, and:	
(i) More than 60 but not more than 160 miles from the Courthouse in Gulfport, Pascagoula, or Jackson, Miss., whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

* * * * *

Proposal No. 12. Amend § 1103.53(b) to read as follows:

§ 1103.53 Location differential to handlers.

* * * * *

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13(d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

Proposal No. 13. Make other amendments to the order as may be necessary as the result of any amendments made pursuant to proposals 1 through 10.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Cleo C. Taylor, 322 North Mart Plaza, Jackson, Miss., 39206, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 18, 1966.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 66-9165; Filed, Aug. 22, 1966; 8:48 a.m.]

[7 CFR Part 1128]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Termination of Proceeding To Suspend Certain Provisions of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) a notice was issued July 28, 1966 (31 F.R. 10371) that suspension of §§ 1128.53(a) and 1128.91(a)(1) of the order regulating the handling of milk in the Central West Texas marketing area was being considered. These provisions relate to location adjustment of the Class I and uniform prices at approved plans located within 70 miles of Midland, Tex. Opportunity was given to submit written data, views, or arguments with respect to the proposed suspension.

The data, views, and arguments received in response to the notice indicate the need for a broader consideration of the pricing provisions of the order. It is concluded that pricing provisions of the order can best be considered by the public hearing procedure. Opportunity will be given handlers and producer organizations to present proposals for any amendment of the order to be considered at a public hearing.

Such proposals should be submitted in quadruplicate to the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 3, 1966.

The proceeding pursuant to the notice issued July 28, 1966 (31 F.R. 18371) is hereby terminated.

Signed at Washington, D.C., on August 18, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-9166; Filed, Aug. 22, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WA-35]

FEDERAL AIRWAYS, JET ROUTES AND CONTROLLED AIRSPACE

Extension of Comment Period Regarding Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER on July 9, 1966 (31 F.R. 9423), it was stated in part that the Federal Aviation Agency was considering the alteration of controlled airspace in south Florida to facilitate international air commerce between South/Central America and Miami/Nassau, Bahamas. The time for public comment will expire on August 23, 1966.

The Agency has learned that a major user of this airspace is preparing a comment on this proposal but that it will be unable to submit the comment within the time specified.

In view of the complexity of the proposal and the public interest generated therein, the Administrator has determined that further opportunity should be afforded to interested persons to submit such comments, views, or arguments as they may desire. In consideration of the foregoing, the time for which comments will be received for consideration on Airspace Docket No. 65-WA-35, is hereby extended to September 2, 1966.

Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

This action is taken under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 19, 1966.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9197, Filed, Aug. 22, 1966; 8:48 a.m.]

[14 CFR Part 77]

[Docket No. 7570; Notice 66-34]

DISCRETIONARY REVIEW

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 77 of the Federal Aviation Regulations to amend § 77.37 *Discretionary review,* to allow a sponsoring contractor to begin construction, under certain conditions, without unnecessary delay.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington D.C. 20553. All communications received on or before November 16, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for commments, in the Rules Docket for examination by interested persons.

Currently, an acknowledgment of notice under § 77.19(c)(1) is a formal determination which is appealable under § 77.37 and may not become final for 30 days. This delay imposes a hardship on sponsors who may wish to commence construction as soon as possible, and have proposed a structure that would not exceed the standards set forth in Subpart C of this part.

This amendment would exclude determinations made under § 77.19(c)(1) from discretionary review under § 77.37, and thereby avoids the review and the 30-day delay provision for a structure which could not be determined to be a hazard.

In consideration of the foregoing it is proposed to amend § 77.37(a) of the Federal Aviation Regulations by adding the following new sentence at the end thereof:

§ 77.37 Discretionary Review.

(a) * * * This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).

* * * * *

This amendment is proposed under the authority of sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501).

Issued in Washington, D.C., on August 17, 1966.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 66-9127; Filed, Aug. 22, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

CHLORTETRACYCLINE, OXYTETRACYCLINE

Proposed Revocation of Pesticide Regulations

In the FEDERAL REGISTER of November 30, 1955 (20 F.R. 8776), a pesticide regulation was issued, § 120.117, establishing a tolerance of 7 parts per million for residues of the antibiotic chlortetracycline in or on uncooked poultry, and § 120.117 was amended April 21, 1959 (24 F.R. 3054), by adding a tolerance of 5 parts per million for residues in or on fish (vertebrate), scallops (shucked), and shrimp (unpeeled), from application for retardation of spoilage of these seafoods, each in the fresh, uncooked, unfrozen form.

In the FEDERAL REGISTER of October 23, 1956 (21 F.R. 8104), another pesticide regulation was issued, § 120.148, establishing a tolerance of 7 parts per million for residues of the antibiotic oxytetracycline in or on uncooked poultry.

These tolerances were established on the basis of data presented in the petitions indicating that residues within the tolerance levels would impose no hazard to the health of consumers. The data indicated that cooking would destroy such residues of both antibiotics in poultry and greatly reduce such residues of chlortetracycline in seafood.

The ad hoc advisory committee appointed by the Commissioner of Food and Drugs to review the veterinary medical and nonmedical uses of antibiotics finds that the subject uses are not as successful as originally suggested because of the emergence of resistant spoilage flora in poultry processing plants and because of adverse economics in the case of the seafoods. The committee listed the following guides for evaluating antibiotics used in food preservation:

1. Antibiotics used in human or veterinary medicine should not be used in food preservation unless justified in solving serious problems.

2. They should not give rise to the selection of naturally resistant microorganisms, or induce the emergence of resistant strains or cross-resistance to antibiotics approved for therapeutic use.

3. They should not antagonize activity of antibiotics for therapeutic use.

4. They should not be a stubstitute for good manufacturing practices with consequent poor sanitation.

5. They should not result in food spoilage due to organisms other than those usually associated with spoilage.

Scientists of the Food and Drug Administration find that use of chlortetracycline and oxytetracycline for food preservation gives rise to selection of naturally resistant micro-organisms, induces the emergence of resistant strains, and results in food spoilage from increased mold and yeast development. These scientists find that use of chlortetracycline and oxytetracycline on poultry and seafood may be a substitute for good manufacturing practice with consequent poor sanitation.

Chlortetracycline and oxytetracycline are widely used antibiotics in human and veterinary medicine.

The Commissioner of Food and Drugs has concluded that there are no serious problems which justify use of these antibiotics for food preservation and that these uses fail to meet the guidelines of the ad hoc advisory committee.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare (sec. 408, 68 Stat. 511; 21 U.S.C. 346a), and delegated to the Commissioner (21 CFR 2.120; 31 F.R. 3008), it is proposed that Part 120 be amended by revoking § 120.117 *Chlortetracycline; tolerances for residues* and § 120.148 *Oxytetracycline; tolerance for residues.*

Any interested person may, within 30 days from publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 18, 1966.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 66-9141; Filed, Aug. 22, 1966; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC-2,712]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Operations; Other Insurance or Guaranty

AUGUST 17, 1966.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the Rules and Regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.31 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.31) be amended to read as follows:

§ 563.31 Other insurance or guaranty.

An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than September 23, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-9143; Filed, Aug. 22, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO., INC.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 6, 1965 (24 A.D. 1580), continuing in effect to and including December 31, 1967, an order issued on December 26, 1963 (22 A.D. 1354), authorizing the respondent, The Peoria Union Stock Yards Co., Inc., Peoria, Ill., to assess the current temporary schedule of rates and charges.

By a petition filed on August 9, 1966, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including December 31, 1968.

SECTION I—YARDAGE

ITEM 1. Yardage charges will be assessed on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per head:

	Present	Proposed
Cattle	105	120
Calves (300 lbs. and under)	53	60
Hogs	35	40
Sheep	29	34

ITEM 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this section) at the following rate in cents per head:

	Present	Proposed
Cattle	53	60
Calves	27	30
Hogs	18	20
Sheep	15	17

* * * * *

ITEM 4. Charges (not including the service of weighing) will be collected on all livestock consigned direct to packers for immediate slaughter and without change of ownership, at the following rate in cents per head:

	Present	Proposed
Cattle	35	40
Calves	18	20
Hogs	12	14
Sheep	10	12

NOTE: If weighing service is requested on livestock consigned direct to packers, an additional charge, as shown in Item 3 of this section will be collected.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of August 1966.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-9139; Filed, Aug. 22, 1966; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 18 to License No. 31-1672-1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Radiological Service Co., Inc., of its intent to amend License No. 31-1672-1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Radiological Service Co., Inc., consented to the proposed modification of its license in a letter dated August 2, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., August 16, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[License No. 31-1672-1; Amdt. 18]

License No. 31-1672-1 is amended as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", 10 CFR Part 40, "Licensing of Source Material", and 10 CFR Part 70, "Special Nuclear Material", a license is hereby issued to Radiological Service Co., Inc., 35 Urban Avenue, Westbury, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

Condition 2 is hereby deleted.

Condition 3 is amended to read as follows:

3. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways", and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

Date of issuance: August 16, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[F.R. Doc. 66-9125; Filed, Aug. 22, 1966; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8, set forth below, to Facility License No. R-81. The license as previously amended authorizes Union Carbide Corp. to operate its pool-type nuclear reactor located at the licensee's site in Sterling Forest, N.Y.

The amendment, as requested in the application received July 28, 1966, relaxes the requirement for reporting the results of quarterly dimensional inspections of the reactor control rods by specifying that the licensee shall submit a written report of the inspection results only if a dimensional change is detected in any control rod. The amendment also adds a new subparagraph to the license requiring that the licensee maintain records of all quarterly inspections of the control rods.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and (2) a related safety valuation prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of August 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director,
Division of Reactor Licensing.

[License No. R-81; Amdt. 8]

The Atomic Energy Commission having found that:

a. The application for license amendment received July 28, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-81, as amended, which authorizes Union Carbide Corp. to operate its pool-type nuclear reactor located on the licensee's site at Sterling Forest, N.Y., is hereby further amended as follows:

1. A new subparagraph 4.G.5. is added, to read:

"5. Records of the quarterly inspections of control rods, describing the inspection procedures and the condition of each rod inspected."

2. Subparagraph 4.K. shall be revised in its entirety to read:

"K. The licensee shall, at least once during each calendar quarter, inspect each control rod to determine any change in dimensions or other indications of swelling. If any inspection reveals a change in dimensions or other indication of swelling in any rod, the licensee shall promptly submit a report in writing to the Commission."

This amendment is effective as of the date of issuance.

Date of issuance: August 17, 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9126; Filed, Aug. 22, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17594]

FLYING TIGER LINE, INC.

Notice of Prehearing Conference

Blocked-space tariff revisions proposed by The Flying Tiger Line, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 26, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., August 18, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-9144; Filed, Aug. 22, 1966; 8:46 a.m.]

CIVIL SERVICE COMMISSION

ASSISTANT CONTROLLER FOR INFORMATION SYSTEMS, ATOMIC ENERGY COMMISSION

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective August 12, 1966, that there is a manpower shortage for the position of Assistant Controller for Information Systems, GS-330-16, U.S. Atomic Energy Commission, Washington, D.C.

This manpower shortage finding will terminate when the position is filled.

The appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-9142; Filed, Aug. 22, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-29]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 16, 1966.

Take notice that on August 8, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the firm quantity of natural gas transported for sale to Phillips Petroleum Co. (Phillips), an existing customer of Applicant, of 1,000 Mcf per day to a total firm quantity of 25,000 Mcf per day and a corresponding decrease of 1,000 Mcf per day in the transportation of offpeak quantities to a total offpeak quantity of 1,000 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to Commission orders issued October 12, 1964, in Docket No. CP64-16, August 13, 1965, in Docket No. CP65-169, and May 27, 1966, in Docket No. CP66-262, Applicant is presently authorized to transport for sale to Phillips, for use in its Beatrice, Nebr., ammonia plant, 24,000 Mcf of gas per day on a firm basis and up to 2,000 Mcf of gas per day on an offpeak basis. Applicant states that pursuant to the exercise of an option granted in Article V of its contract with Phillips dated July 7, 1964, Phillips has elected to convert 1,000 Mcf per day of offpeak gas to firm gas increasing the total firm delivery quantity to 25,000 Mcf per day. Applicant further states that with the commencement of the additional firm deliveries of 1,000 Mcf per day the quantity of offpeak gas will be correspondingly reduced by 1,000 Mcf so that the total offpeak quantity will be 1,000 Mcf of gas per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9128; Filed, Aug. 22, 1966; 8:45 a.m.]

[Docket No. CP66-228]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

AUGUST 16, 1966.

Take notice that on August 9, 1966, Panhandle Eastern Pipe Line Co. (Petitioner), 344 Broadway, Kansas City, Mo. 64111, filed in Docket No. CP66-228 a petition to amend the order issued in said docket on April 29, 1966, and amended on August 2, 1966, by requesting authorization to construct and operate an extension of pipeline through Ellis County, Okla., all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the original order issued on April 29, 1966, in the instant docket, Petitioner was granted authorization for the construction and operation of a supply pipeline extending from its existing Elk City line a total of approximately 73.3 miles through Dewey and Ellis Counties, Okla., and terminating in Hemphill County, Tex. By the order issued August 2, 1966, Petitioner was granted further authorization for construction and operation of a pipeline extension of approximately 31.7 miles through Ellis and Woodward Counties, Okla., from the previously certificated Hemphill line.

Petitioner specifically requests in the instant petition authorization to construct and operate an extension southward approximately 13.4 miles through Ellis County, Okla., from a point on the Hemphill line, connecting at approximately the midpoint between its origin and Petitioner's existing Western Oklahoma supply line.

The total estimated cost of the proposed extension is $619,000, which cost will be financed from general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9129; Filed, Aug. 22, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1954, 811-937]

GROWTH CAPITAL, INC.

Notice of and Order for Hearing on Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 17, 1966.

Notice is hereby given that Growth Capital, Inc. ("Growth"), 118 St. Clair Avenue NE., Cleveland, Ohio 44114, an Ohio corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company, has filed an application pursuant to section 3(b)(2) and section 8(f) of the Act for an order of the Commission declaring Growth to be primarily engaged through majority-owned and wholly owned subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and for a further order declaring that Growth has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Growth was incorporated under the laws of the State of Ohio on March 22, 1960, and in June, 1960, was licensed to operate as a small business investment company ("SBIC") under the Small Business Investment Act of 1958. Pursuant to a registration statement on Form N-5, effective June 7, 1960, Growth made a public offering of 500,000 shares of its common stock at a price of $20 per share.

Growth has conducted its business by investing in securities issued by small business concerns. These investments generally were in the form of debentures convertible into common stock or debentures with warrants giving the right to purchase common stock. As some of the debentures were converted or warrants exercised, common stock in the small business concerns was acquired. In a number of situations Growth made additional investments in the small business concerns and on occasion it acquired the remaining shares of the small business concerns. Growth thereby became the sole or majority stockholder of several small business concerns.

As a condition of its investment in a small business concern, Growth has required that it be given representation on the board of directors of the small business concern. In each case where Growth acquired a majority of the voting securities of a small business concern, applicant's representatives constituted a majority of the board of directors and were, in many cases, principal executive officers of the small business concern. The treasurer of Growth is also treasurer of each of applicant's major subsidiaries and applicant represents that as such it exercises active control. Applicant estimates that approximately 90 percent of the time of the officers of Growth is devoted to the problems of management of the small business concerns in which Growth owns 50 percent or more of the voting securities. Applicant also states that while it made investments in 22 small business concerns during the period from its organization through March 31, 1963, it has since that date invested in only two concerns. Applicant represents that for the past 3 years it has been primarily engaged in managing the businesses of the concerns in which it has a majority interest.

As of March 31, 1966, adjusted for the acquisition, on May 3, 1966, of 99.5 percent of the issued and outstanding capital stock and a 60-day 6 percent promissory note of Inland Investment Co. (an insurance company), the total assets of Growth exclusive of Government securities and cash items were as follows:

Assets	Value	Percentage
Securities other than investment securities	$16,401,150	73.22
Investment securities	6,000,000	26.78
Total	22,401,150	100.00

As part of its application applicant undertakes that at no time in the future will it hold investment securities, as defined in section 3(a)(3) of the Act, in excess of 40 percent of its total assets exclusive of cash, cash items and U.S. Government securities, on an unconsolidated basis.

Applicant's shareholders' on April 12, 1966, approved by a vote of 409,529 shares (76.3 percent of the outstanding shares) to 1,214 shares (0.2 percent) a proposed reorganization of the company. The purpose of the reorganization, which is to take effect only if the Commission declares that applicant has ceased to be an investment company, is to allow Growth to operate its businesses so as to enable it to invest in other than small business concerns and to operate and manage the companies in which it invests. The reorganization will involve the transfer of applicant's license to operate as an SBIC to a wholly owned subsidiary, Growth SBIC, Inc., and the transfer to that subsidiary of applicant's investments in small business concerns, a majority of whose voting securities are not owned by applicant, and other investment securities. For the purpose of the aforementioned undertaking, the securities of Growth SBIC held by applicant will be considered investment securities. Applicant will rely upon section 3(b)(3) of the Act to except Growth SBIC from the definition of an investment company.

Section 3(a)(3) of the Act includes in the definition of an investment company any issuer which is engaging in the business of investing, reinvesting, owning, holding, or trading in securities and which owns investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (ex-

clusive of Government securities and cash items) on an unconsolidated basis. This section defines investment securities as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned (50 per centum or more of the voting securities) subsidiaries.

Section 3(b)(2) of the Act provides in pertinent part that notwithstanding the above provisions, an issuer is not an investment company if the Commission by order declares it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries (or through controlled companies conducting similar types of business).

Section 8(f) of the Act provides that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 12th day of September 1966, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission, Washington, D.C. 20549, on or before the 7th day of September 1966, his application as provided by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address noted above, and proof of service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with such request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, upon the basis thereof the following matter and question is presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

Whether applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities; and whether applicant has ceased to be an investment company and, if so, what conditions, if any, for the protection of investors should be imposed.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Growth Capital, Inc., and to The Small Business Administration and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9146; Filed, Aug. 22, 1966; 8:46 a.m.]

[812-1965]

HOME INSURANCE CO.

Notice of Filing of Application

AUGUST 17, 1966.

Notice is hereby given that the Home Insurance Co. ("applicant"), 59 Maiden Lane, New York, N.Y., a New York corporation 8.9 percent of the common stock of which is owned by Insurance Securities Trust Fund ("ISTF"), a registered open-end investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"). Applicant seeks an order exempting from the provisions of section 17(a) of the Act a proposed transaction whereby applicant would purchase from ISTF 50,000 shares (10 percent) of the capital stock of Seaboard Surety Co. ("Seaboard"), in which applicant owned, as of June 10, 1966, 132,138 shares, or approximately 26.4 percent, of Seaboard's total outstanding capital stock.

Under the Act, applicant is an affiliated person of ISTF and is also an affiliated person of Seaboard, which is an affiliated person of ISTF. Accordingly, section 17 of the Act, as here pertinent, makes it unlawful for applicant to purchase securities from ISTF unless the transaction is exempted by the Commission. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant began acquiring Seaboard stock in January of 1962, and at December 31, 1965, had accumulated 69,760 shares. By June 10, 1966, applicant had acquired an additional 62,378 shares at prices ranging from $48⅜ to $63 per share, with the exception of a block of 10,626 shares acquired in May 1966 at $66.94 per share. In May 1966 applicant commenced negotiations for the purchase of ISTF's holding of Seaboard. On June 10, 1966, agreement was reached that ISTF would sell its 50,000 share block of Seaboard to applicant at $67 per share, the transaction to be consummated upon the Commission's granting of an order of exemption under section 17(b) of the Act, with the proviso that if ISTF were to receive a higher bid for the whole 50,000 share block before an order of exemption was issued, ISTF would be free to sell to the new bidder if applicant did not choose to meet such higher bid within 1 week of being informed of it.

During the period from January 3 to June 10, 1966, the price of Seaboard stock on the over-the-counter market ranged from a low bid of $47½ to a high asked of $67. On the date the agreement for the proposed transaction was entered into the market price for Seaboard was $57 bid and $61 asked.

Applicant represents that the agreed price, arrived at through negotiation, reflects its desire to acquire a further large block of Seaboard stock which will put it in the position of having practical control of Seaboard and of being able to acquire a majority interest in Seaboard at a later date.

Notice is further given that any interested person may, not later than August 31, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9147; Filed, Aug. 22, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL STATE BANK

Order Approving Acquisition of Bank's Assets

In the matter of the application of Central State Bank for approval of acquisition of assets of Volga State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by Central State Bank, Elkader, Iowa, a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of Volga State Bank, Volga, Iowa, and, as an incident thereto, Central State Bank has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of a branch at the location of the sole office of Volga State Bank. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of deposit liabilities and establishment of the branch shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after said date.

Dated at Washington, D.C., this 15th day of August 1966.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-9131; Filed, Aug. 22, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 238]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41255 (Sub-No. 62 TA), filed August 16, 1966. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 12A Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Radio and television sets and/or combinations thereof,* from College Park, Va., and Marford, Va., to points in Florida, for 180 days. Supporting shipper: General Electric Co., Consumer Electronics Division, Television Receiver Department, Marford Boulevard, Portsmouth, Va. 23705. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202

No. MC 60612 (Sub-No. 14 TA), filed August 16, 1966. Applicant: SAMUEL TISCHLER, doing business as TISCHLER MOTOR FREIGHT, Morton Avenue, Rosenhayn, N.J. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Empty tin cans,* from the plant of Crown, Cork & Seal Co. at Fruitland, Md., to the plant and warehouse of Cedar Lake Canning Co., Cedarville, N.J., for 150 days. Supporting shipper: Cedar Lake Canning Co., Inc., Cedarville, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 98952 (Sub-No. 16 TA), filed August 16, 1966. Applicant: GENERAL TRANSFER COMPANY, A CORPORATION, 2880 North Woodford Street, Post Office Box 2203, Decatur, Ill. 62526. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy or Confectionery, including Milk Chocolate Candy,* from Chicago, Ill., to points in Indiana, and Henderson, Louisville, Owensboro, and Paducah, Ky., and points within 5 miles of each, for 150 days. Supporting shipper: E. J. Brach & Sons, division of American Home Products Corp., Post Office Box 802, Chicago, Ill. 60690. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107002 (Sub-No. 328 TA), filed August 16, 1966. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Polyethylene Pellets,* in bulk, in tank or hopper vehicles, from Plaquemine, La., to Chamblee, Ga., for 180 days. Supporting shipper: The Dow Chemical Co., Freeport, Tex., H. W. Westerman, traffic manager. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107227 (Sub-No. 92 TA), filed August 16, 1966. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used automobiles and trucks* not exceeding ¾ ton capacity (other than repossessed or stolen), in single driveway service, between points in North Dakota, South Dakota, Kansas, and Nebraska, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Waters Equipment Co., Inc., 943 Harrison Street, San Francisco, Calif., Capital Car Rental of Nevada, 229 Las Vegas Boulevard, Las Vegas, Nev., Henry's Cars, Inc., 614, Fifth Avenue, New Brighton, Pa., Art Bridges Used Car Emporium, 19895 Mission Boulevard, Hayward, Calif., Triangle Auto Center, Inc., 740 Alton Road, Miami Beach, Fla., Cadillac Corner, Inc., 2611 West 16th Street, Indianapolis, Ind., Vic Potomkin Chevrolet, Inc., 520 Alton Road, Miami Beach, Fla. Send protests to: Howard O. Gaston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 110420 (Sub-No. 534 TA), filed August 16, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred Figge (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Liquid sugar, and blends of liquid sugar, and corn syrup,* in bulk, in stainless steel tank vehicles, from Detroit, Mich., to points in Ohio, for 150 days. Supporting shipper: Refined Syrup and Sugars, Inc., Yonkers, N.Y. 10701. Send protests to: W. F. Sibrald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Governors Robertson, Shepardson, Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Martin and Governor Maisel.

No. MC 113325 (Sub-No. 111 TA), August 16, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Paul D. Borghesani, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosilane*, in bulk, from the plantsite of Union Carbide, Sisterville, W. Va., to the plantsite of Monsanto Co., near St. Peters, Mo., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, W. L. Friehs, supervisor. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116077 (Sub-No. 204 TA), filed August 16, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Ben Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, in tank vehicles, from Port Arthur, Tex., to Ironton, Ohio, for 180 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. Send protests to: Mr. John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 124254 (Sub-No. 3 TA), filed August 16, 1966. Applicant: NORTHERN MAINE TRANSPORT, INC., 79 Industrial Street, Post Office Box 746, Presque Isle, Maine 04769. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials* when moving in connection therewith, from Baltimore, Md., Boston and Natick, Mass., Newark, N.J., Albany, Rochester, and New York, N.Y., and Cranston, R.I., to Presque Isle, Maine, with no transportation on return except as otherwise authorized, and *carbonated beverages and flavoring syrup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from Waltham, Mass., to Presque Isle, Maine, with no transportation for compensation on return except as otherwise authorized, under a continuing contract or contracts with Aroostook Beverage Co., Presque Isle (formerly of Caribou), Maine, for 150 days. Supporting shipper: Aroostook Beverage Co., Presque Isle, Maine. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 128523 TA, filed August 16, 1966. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Jacksonville, Fla., and points in Duval, Nassau, St. Johns, Baker, and Clay Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

MOTOR CARRIER OF PASSENGERS

No. MC 128261 (Sub-No. 1 TA), filed August 16, 1966. Applicant: GREATER PORTLAND TRANSPORTATION COMPANY, 117 St. John Street, Portland, Maine. Applicant's representative: Neal Holland, 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sightseeing and pleasure tours, beginning and ending at points in the county of Cumberland, Maine, and extending to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and Maine (particularly to points on the Canadian international boundary), for 180 days. Supporting shippers: Alfred Boudreau, Secretary-Treasurer, Employers Guild, 1096 Broadway, South Portland, Maine, Edgar L. Rowe, Ralph D. Caldwell Post No. 129, 145 Glenwood Avenue, Portland, Maine, Mrs. Majorie Anderson, 96 Park Street, Portland, Maine, Mrs. Marguerita Davis, 155 Clark Street, Portland, Maine, Mr. Joseph B. Malloy, 40 Quebec Street, Portland, Maine, Miss M. K. Nelson, 6660 Congress Street, Portland, Maine, Clifford Tregay, Eastland Hotel, Portland, Maine, Mattie A. Graffam, 51 Park Street, Portland, Maine, Harriet Clark, 25 Mona Road, Portland, Maine, Celestia H. Wood, 52 Clemons Street, South Portland, Maine, Miss B. Rose White, 104 Oak Street, Portland, Maine. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9151; Filed, Aug. 22, 1966, 8:47 a.m.]

[Notice 1400]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 18, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–35403. By order of August 16, 1966, the Transfer Board approved the lease to Bell Transfer Company, Inc., Selma, Ala., of a portion of the operating rights in certificate of registration No. MC–121541, issued May 4, 1965, to Douglas Kallam, Demopolis, Ala., evidencing a right to engage in interstate or foreign commerce in the transportation of general commodities, between Demopolis, Ala., and points in Choctaw, Clarke, Greene, Marengo, and Sumter Counties, Ala. J. Douglas Harris, 410 Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC–FC–68419. By order of August 16, 1966, the Transfer Board approved, on reconsideration, the transfer to Wingate Trucking, Inc., Albany, Ga., of the operating rights of W. D. Wingate, doing business as Wingate Trucking Co., Albany, Ga., in certificates Nos. MC–124154, MC–124154 (Sub-No. 2), MC–124154 (Sub-No. 9), MC–124154 (Sub-No. 11), and MC–124154 (Sub-No. 18), issued by the Commission September 11, 1963, March 9, 1965, November 4, 1964, October 5, 1965, and September 10, 1965, respectively, authorizing the transportation, over irregular routes of wooden pallets, fertilizer and fertilizer materials, except in bulk, in tank vehicles, insecticides and insecticide materials, except in bulk, in tank vehicles, sugar, ground clay and fuller's earth, from and to specified points in Georgia, Alabama, Florida, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, Wisconsin, Mississippi, and Louisiana, varying with the commodities transported. Ariel Vincent Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303, attorney for applicants.

No. MC–FC–68913. By order of August 16, 1966, the Transfer Board approved the transfer to Wahoo Transfer, Inc., Wahoo, Nebr., of the certificate in No. MC–68572 and the certificate of registration in No. MC–68572 (Sub-No. 2), issued September 23, 1943, and December 23, 1964, respectively, to Thomas Shanahan, doing business as Wahoo Transfer, Wahoo, Nebr., the certificate authorizing the transportation of general commodities, with usual exceptions, between Lincoln and Fremont, Nebr., and between Wahoo and Omaha, Nebr., and the certificate of registration authorizing transportation in interstate or foreign commerce corresponding in scope to the service authorized by Certificate of Public Convenience and Necessity No. M–6951, Supplement No. 3, dated December 12, 1960, issued by the Nebraska State Railway Commission. Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–68978. By order of August 16, 1966, the Transfer Board approved the transfer to Monticello-Albany Freight Line, Inc., Monticello, Ky., of certificate of registration No. MC–56749 (Sub-No. 4), issued by the Commission December 17, 1965, to Stokes Trucking Co., Inc., Monticello, Ky., evidencing a right to engage in interstate or foreign commerce within Kentucky, in the transportation of: General commodities, between specified points in Kentucky. Louis J. Amato, 703 McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC–FC–68979. By order of August 16, 1966, the Transfer Board approved the transfer to Gold Service Movers, Inc., White Plains, N.Y., of the operating rights in certificate No. MC–47191 issued by the Commission August 12, 1959, to Harold Gold, doing business as Gold Service, White Plains, N.Y., authorizing the transportation of: Household goods, between specified points in New York, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, New Hampshire, Massachusetts, Maine, Maryland, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC–FC–68980. By order of August 16, 1966, the Transfer Board approved the transfer to Eugene J. Hubbard, doing business as Hubbard's Transportation Co., Anthony, Kans., of the certificate of registration No. MC–112462 (Sub-No. 2) issued March 18, 1965, to Joe F. LaPlant, doing business as LaPlant Transportation Co., Anthony, Kans., evidencing a right to engage in interstate or foreign commerce in the transportation of: Passengers, baggage, mail, and light express, between specified points in Kansas. C. Zimmerman, 503 Schweiter Building, Wichita, Kans., Attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–9152; Filed, Aug. 22, 1966; 8:47 a.m.]

[3d Rev. S.O. 562, I.C.C. Order 209]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting and Diversion of Traffic

In the opinion of H. R. Longhurst, agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic routed over its line because of adverse operating conditions and having placed an embargo.

It is ordered, That:

(a) Rerouting traffic: Because of adverse operating conditions and having placed an embargo, the St. Johnsbury & Lamoille County Railroad, being unable to transport traffic in accordance with shippers' routing, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1 p.m., August 17, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., September 16, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 17, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST,
Agent.

[F.R. Doc. 66–9153; Filed, Aug. 22, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40675—*Grain and grain products to Maine, New Hampshire, and Vermont.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2858), for interested rail carriers. Rates on corn, grain sorghums, animal, or poultry feed and feed ingredients, in carloads, from points in Illinois Freight Association, and central territories, also border points in New York, Pennsylvania, and West Virginia, and points grouped therewith, to points in Maine, New Hampshire, and Vermont.

Grounds for relief—Market competition with southern territory shippers.

Tariff—Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–580.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–9154; Filed, Aug. 22, 1966; 8:47 a.m.]

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